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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,211	06/29/2000	Aki Nagano	P108131-00000	8161

7590

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EXAMINER

ZEENDER, FLORIAN M

ART UNIT PAPER NUMBER

3627

DATE MAILED: 12/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/606,211

Applicant(s)

NAGANO, AKI

Examiner

F. Ryan Zeender

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 7, "the operator" lacks antecedent basis; it appears the terminology should be changed to --an operator--. In claim 12, lines 6, 17, 24, and 31, the terminology, "such as" is indefinite in that one cannot determine whether each element is being positively claimed or not (*for the purposes of this action, it is assumed that all elements listed after "such as" are necessary elements*). Further, in claim 12, lines 13, 20, 25-26, and 32, the terminology, "and the like", is indefinite. In claim 13, line 8, the terminology, "and the like", is indefinite. In claim 14, line 8, "the operator" lacks antecedent basis; it appears the terminology should be changed to --an operator--. In claim 15, line 9, "the operator" lacks antecedent basis; it appears the terminology should be changed to --an operator--. In claim 16, line 10, "the operator" lacks antecedent basis; it appears the terminology should be changed to --an operator--.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Pool et al.

Pool et al. disclose a transaction managing apparatus including: a transaction defining unit for defining a plurality of kinds of unsettled transaction types (see Col. 3, lines 30-31; "direct consumer sales" or "business to business sales") by combining a plurality of predetermined categories [(1) sales sum-up timing; pay for goods and international shipping upon occurrence of transaction and pay for local shipping when goods enter local area; (2) the presence of necessity of prepayment; payment of goods upon occurrence; (3) a delivering method—See Col. 8, lines 12-33]; a management control unit (See Cols. 2-3) for designating one of the plurality of transaction types by an interactive operation and managing and controlling processes in a lump from start to finish.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool et al.

Pool et al. disclose all the limitations of the claim except a sales sum-up timing set to a timing upon completion of the transaction.

It would have been an obvious design choice to one of ordinary skill in the art at the time of the invention to modify Pool et al. to have the sales sum-up timing set to a timing upon completion of the transaction, as is well known in the art of commerce, in order to provide a variety of means for a buyer to pay for goods.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool et al.

Pool et al. disclose all the limitations of the claim except prepayment being unnecessary and the delivery of goods set to predelivery.

It would have been an obvious design choice to one of ordinary skill in the art at the time of the invention to modify Pool et al. to have prepayment be unnecessary and the delivery of goods set to predelivery, as is well known in the art of commerce, in order to provide a variety of means for a buyer to pay for goods and to allow the buyer to inspect the goods before payment.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool et al.

Pool et al. disclose all the limitations of the claim except prepayment being unnecessary and the delivery of goods set to predelivery with respect to said deferred payment transaction on the principle of completion.

It would have been an obvious design choice to one of ordinary skill in the art at the time of the invention to modify Pool et al. to have prepayment be unnecessary and the delivery of goods set to predelivery with respect to said deferred payment transaction on the principle of completion, as is well known in the art of commerce, in order to provide a variety of means for a buyer to pay for goods and to allow the buyer to inspect the goods before payment.

***Allowable Subject Matter***

Claims 5, 7, 9 and 11-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takayama, Mori et al., Walker et al., Yamada et al., and Hughes et al. teach other settlement systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's

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phone number for the Technology center is (703) 308-1113 and the customer service number is (703) 872-9325.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for before Final communications and (703) 872-9327 for after Final communications.

*F. Zeender* 12/11/02

F. Zeender  
Patent Examiner, A.U. 3627  
December 11, 2002

F ZEENDER  
PATENT EXAMINER